

### **REMARKS**

This is in response to the Office Action mailed October 8, 2004 in relation to the above-identified patent application.

### **SUMMARY OF OFFICE ACTION**

In the Office Action, Claims 153 and 154 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention based on a view that they merely appear to be duplicates of Claim 151 resulting in triple recitation of the same limitation.

Claim 148-151 and 156 were rejected under 35 USC 102(b) as being anticipated by Matsumoto (U.S. Pat. No. 4,762,348).

Claims 152, 157 and 158 were only objected to for being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **APPLICANT'S RESPONSE**

#### **Rejection Under 35 USC § 112, Second Paragraph Of Claims 153 And 154**

Claims 153 and 154 were rejected under 35 USC § 112, second paragraph, based on a view that they merely duplicate the limitation of Claim 151 thereby resulting in triple recitation of the same limitation. In response, Applicant respectfully directs the Examiner's attention to MPEP § 706.03(k) which relates to duplicate claiming and allows the Applicant to restate the invention in a number of ways as long as there is a mere difference in scope between the claims. Claims 152-154 recite the same claims language; however, they each have different dependencies to base Claim 148. Claim 152 has no intervening claims and is dependent only upon Claim 148; Claim 153 is dependent upon base Claim 148 but is also dependent upon intervening Claim 149; and Claim 154 is dependent upon base Claim 148 and intervening Claim 149 but is also dependent upon intervening Claims 150. Since the intervening Claims 149 and 150 recite different subject matter, Claims 153 and 154 each have different claim scope.

Hence, for the foregoing reasons, Applicant respectfully submit that the Examiner's rejections of Claims 153 and 154 under 35 USC § 112, second paragraph have been overcome.

Rejection Of Claims 148-151 And 156 Under 35 USC § 102(B)

In the Office Action, the Examiner rejected Claims 148-151 and 156 under 35 USC § 102(b) as being anticipated by Matsumoto. In response, Applicant has amended base Claim 148 to clarify that the pawl release member is selectively engageable to the pawl and that the pawl release member is disengaged with the pawl when the coupling member is in the locking position such that movement of the pawl release member is not conveyed to the pawl and engaged with the pawl when the coupling member is in the unlocking position to enable the door handle to drive the pawl release member. In other words, the coupling member when in the locking position mechanically disengages the pawl release member from the pawl and when in the unlocking position mechanically engages the pawl release member to the pawl (i.e., mechanical locking).

The cited prior art does not disclose such limitation – mechanical locking. For example, Matsumoto's locking/unlocking is accomplished by electric control, using memory 55 and switches 3-6 which controls electric relays. In support thereof, Applicant respectfully directs the Examiner's attention to col. 3, 19-22 which recite that switches 3-6 are for door locking.

Additionally, the Examiner, in the Office Action, indicated that Matsumoto discloses the pawl release member, pawl and coupling member respectively identified by reference numerals 20, 16, and 49. Column 3, ln. 66 to column 4, ln. 4 and column 5, ln. 48 to column 6, ln. 13 of Matsumoto explain the relationship and the operation of the pawl release member, pawl and the coupling member. However, it does not disclose that the pawl release member is selectively engageable to the pawl. Column 4, lns. 3 and 4 state that the pawl release member 20 moves or rotates together with the pawl 16.<sup>1</sup> Column 5, ln. 65 to column 6, ln. 1 explains that the coupling member 49 contacts the pawl release member 20 thereby pivoting the pawl release member 20 and

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<sup>1</sup> The referenced text recites that "the open lever 20 moves or rotates together with the pawl plate 16."

thus the pawl 16. In other words, the coupling member 49 does not engage and disengage the pawl release member from the pawl; rather, the coupling member 49 disengages the pawl from the door latch. Accordingly, despite whether the coupling member is in the locking position or the unlocking position, the pawl release member engaged to the pawl. Accordingly, Applicant respectfully submits that the cited prior art, including Matsumoto does not disclose, suggest or make obvious the invention recited in Claim 148. Hence, Claim 148 is believed to be in condition for allowance. Additionally, Applicant respectfully submit that the dependent claims of Claim 148, namely, Claims 149-151, 153-156 and 158-160 also contain additional patentable subject matter and thus in condition for allowance. Furthermore, Applicants respectfully submit that Claims 149-151, 153-156 and 158-160 are in condition for allowance to the extent that its base Claim 148 is also in condition for allowance.

#### Claims 152, 157 And 158

In the Office Action, the Examiner indicated that Claims 152, 157 and 158 would be allowable if amended to incorporate all the limitations of its base claims as well as any intervening claims. In response, Applicant argues above that base Claim 148 is in condition for allowance and will await the Examiner's response to the arguments presented in this Response prior to amending Claim 152 to incorporate the limitations of base Claim 148 to obtain allowability thereof.

Additionally, Claims 157 and 158 has been amended to change its dependency from Claim 152 to Claim 148. Nonetheless, Applicant respectfully submits that Claims 157 and 158 are novel and non obvious in view of the cited prior art. Hence, Claims 157 and 158 are in condition for allowance.

#### New Claim 161

By this Amendment, Applicant respectfully request entry of new Claim 161 which is directed to the functions of door locking and door closing without necessarily including electric opening. Applicant respectfully submit that new Claim 161 is not anticipated or rendered obvious by the cited prior art considered alone or in combination for the same reasons that Claim 148 discussed above is believed to be

the door latch. Accordingly, despite whether the coupling member is in the locking position or the unlocking position, the pawl release member engaged to the pawl. Accordingly, Applicant respectfully submits that the cited prior art, including Matsumoto does not disclose, suggest or make obvious the invention recited in Claim 148. Hence, Claim 148 is believed to be in condition for allowance. Additionally, Applicant respectfully submit that the dependent claims of Claim 148, namely, Claims 149-151, 153-156 and 158-160 also contain additional patentable subject matter and thus in condition for allowance. Furthermore, Applicants respectfully submit that Claims 149-151, 153-156 and 158-160 are in condition for allowance to the extent that its base Claim 148 is also in condition for allowance.

Claims 152, 157 And 158

In the Office Action, the Examiner indicated that Claims 152, 157 and 158 would be allowable if amended to incorporate all the limitations of its base claims as well as any intervening claims. In response, Applicant argues above that base Claim 148 is in condition for allowance and will await the Examiner's response to the arguments presented in this Response prior to amending Claim 152 to incorporate the limitations of base Claim 148 to obtain allowability thereof.

Additionally, Claims 157 and 158 has been amended to change its dependency from Claim 152 to Claim 148. Nonetheless, Applicant respectfully submits that Claims 157 and 158 are novel and non obvious in view of the cited prior art. Hence, Claims 157 and 158 are in condition for allowance.

New Claim 161

By this Amendment, Applicant respectfully request entry of new Claim 161 which is directed to the functions of door locking and door closing without necessarily including electric opening. Applicant respectfully submit that new Claim 161 is not anticipated or rendered obvious by the cited prior art considered alone or in combination for the same reasons that Claim 148 discussed above is believed to be novel and non obvious by the cited prior art. Hence, new Claim 61 is believed to be in condition for allowance.

Application No.: 09/993,794  
Response to Office Action of March 9, 2004  
Attorney Docket No.: SOMMR-006CQUS

**CONCLUSION**

On the basis of the foregoing, Applicant respectfully submits that the stated grounds of rejection have been overcome, and that new Claims 148-161 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: JAN 7, 2005

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